

A-6499 (a) & (b)
Variance Request

(a) Construct a two story addition, the soffit and gutter of which would encroach a maximum of one foot, ten inches (1'-10") forward of the twenty five (25) foot front (Brookville Road) building restriction line; and

(b) Construct a stoop and one tread which would encroach a maximum of seven (7) feet forward of the twenty five (25) foot front (Brookville Road) building restriction line.

Mr. William F. Tyndall &
Ms. Elizabeth A. Tyndall
21 East Melrose Street

CHEVY CHASE VILLAGE
BOARD OF MANAGERS
MARCH 10, 2014 MEETING

STAFF INFORMATION REPORT

TO: BOARD OF MANAGERS

FROM: ELLEN SANDS, PERMITTING AND CODE ENFORCEMENT COORDINATOR

DATE: 3/5/2014

SUBJECT: HEARING OF CASE NO. A-6499 (A) & (B) VARIANCE REQUEST
MR. WILLIAM F. TYNDALL & MS. ELZABETH A. TYNDALL, 21 EAST MELROSE STREET
CONSTRUCT:
(A) A TWO STORY ADDITION, THE SOFFIT AND GUTTER OF WHICH WOULD ENCROACH A MAXIMUM OF ONE FOOT, TEN INCHES (1'-10") FORWARD OF THE TWENTY FIVE (25) FOOT FRONT (BROOKVILLE ROAD) BUILDING RESTRICTION LINE; AND
(B) CONSTRUCT A STOOP AND ONE TREAD WHICH WOULD ENCROACH A MAXIMUM OF SEVEN (7) FEET FORWARD OF THE TWENTY FIVE (25) FOOT FRONT (BROOKVILLE ROAD) BUILDING RESTRICTION LINE.

Case Synopsis: The residents are proposing a rear two-story addition at the property, which is a corner lot and is located in the Chevy Chase Village Historic District. A portion of the proposed soffit and gutter and the proposed stoop with one tread would encroach forward of the front (Brookville Road) twenty-five (25) foot front BRL. A similar request, for greater encroachments, was granted to the previous resident of the property, in 2008. Both aspects of the request are compliant with County regulations.

NOTICE REQUIREMENTS: Abutting Owners; Public Notice

APPLICABLE CHEVY CHASE BUILDING REGULATION:

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

APPLICABLE COVENANTS:

"That no structure of any description shall be erected within twenty-five (25) feet of the front line of said premises; and that no stable, carriage-house, shed, or outbuilding shall be erected except on the rear of said premises. In the case of corner lots any line bordering upon any street, avenue, or parkway shall be considered a front line."

FACTUAL AND BACKGROUND INFORMATION:

The property is on the northwest corner of East Melrose Street and Brookville Road and is located in the CCV Historic District. The Applicants will need to obtain Historic Preservation Commission (HPC) approval for the proposed work.

The proposed work is part of an addition and renovation at the property, all remaining aspects of which, as proposed, are compliant with applicable Village building regulations.

A large portion of the house encroaches as much as eighteen (18) feet forward of the twenty-five (25) foot front (Brookville Road) building restriction line.



Figure 1: View of 21 East Melrose Street looking north. The proposed addition and stoop would not be visible from this elevation.



Figure 2: View of 21 East Melrose Street, looking southwest. The proposed rear two-story addition would be visible from this angle. The yellow arrow indicates the areas where the proposed soffit and gutters would encroach forward of the twenty-five (25) foot front (Brookville Road) setback (which runs parallel to Brookville Road and thus angles away from the house -see plan provided by the Applicants).

In April 2008 the previous owners of the Property were granted a variance to:

- a) construct a one-story addition [a mudroom] which would encroach a maximum of seven and twenty-nine one-hundredths (7.29) feet forward of the front (Brookville Road) building restriction line, about five and one-half (5-½) feet more than the current request (a); and
- b) construct a stoop and tread that would encroach seven and two one-hundredths (7.02) feet forward of the front (Brookville Road) building restriction line, about the same amount as the current request.

That work was never constructed and the approval consequently expired in 2009. This new request is similar in that it is for an addition, albeit two-story, and a new stoop with a single tread. The previously requested encroachment (a) was for enclosed, finished space whereas this current request is for the soffit and gutter only; the walls as proposed are in a compliant location.

The current request (b), for the stoop and tread, is of a similar construction and encroachment as the previous stoop and tread request. The complete decision of Case A-5374 and a plan of that proposed work are included following this Staff Report.

The proposed maximum encroachment of the soffit, gutter, stoop and tread is no farther than the existing encroachment at the property (see plan provided by the Applicants).

The proposed encroachments are compliant with Montgomery County zoning regulations¹.

Additionally, according to current Montgomery County building regulations, it is required for safety purposes to have a stoop outside of an exterior door².

The Board has previously found that the covenant regarding the front (Brookville Road) building restriction line at the Property is not enforceable because:

1. "The existing house presently encroaches over eighteen (18) feet forward into the Brookville Road front setback";
2. "The proposed new step is necessary because the first floor of the house is above the grade of the yard"; and
3. "The proposed addition... and new stone step would encroach into the Brookville Road front setback considerably less than the existing house and the existing porch".

¹ Regarding request (a):

Sec. 59-B-3.3 Cornices, eaves, outside stairways, chimneys air conditioners and heat pumps.

(a) Cornices and eaves may project 2 ½ feet or less over any court or yard...

Regarding request (b):

Sec. 59-B-3.1 Steps, terraces and porches.

Open steps and stoops, exterior stairways, terraces and porches may extend into any minimum front or rear yard not more than 9 feet.

² **R311.3 Floors and landings at exterior doors.**

There shall be a landing or floor on each side of each exterior door. The width of each landing shall not be less than the door served. Every landing shall have a minimum dimension of 36 inches (914 mm) measured in the direction of travel.

A special permit was also previously granted to allow two (2) air conditioning units to be located in the west (side) yard of the property that encroach two (2) feet into the seven (7) foot side yard setback (the units may be maintained in their current location as long as they are in substantially the same location and are not materially larger as the existing units).

To date there have been no letters received from abutting neighbors in support of or opposition to the request.

The Village arborist has assessed the property. Construction of the addition, stoop and tread as proposed can be accommodated through a Tree Protection Plan and no trees are proposed for removal due to the construction.

Applicable Fees: Building Permit Application: TBD; Variance Application Fee: \$300.

RELEVANT PRECEDENTS

The most direct and relevant precedent for both request (a) and (b) would be that of Case A-5374, in April of 2008, wherein Mr. Michael C. Williams and Ms. Susan K. Gallagher, of the Subject Property, were **granted a variance** to a) construct a one-story addition which would encroach a maximum of seven and twenty-nine one-hundredths (7.29) feet forward of the front (Brookville Road) building restriction line; and b) construct a stoop and tread that would encroach seven and two one-hundredths (7.02) feet forward of the front (Brookville Road) building restriction line. The decision for that case is included following the Staff Report.

RELEVANT PRECEDENTS (A) (SOFFIT AND GUTTER)

In June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance** to construct a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line.

RELEVANT PRECEDENTS (B) (STOOP AND TREAD)

This request is slightly different from most of the recent previous stoop and tread requests in that it is construction of a stoop where none currently exists. However as mentioned, approval for a similar stoop and tread in a similar location was previously **granted at this property**. Additionally, In May 2005 Mr. & Mrs. Justin Bausch of 12 East Lenox Street were **granted a variance to extend** the uncovered steps leading to the front porch. In the Bausch case the covenants were worded to prohibit "any stable, carriage houses or shed" forward of the twenty-five (25) foot front building restriction line, rather than the more standard language prohibiting "structure[s] of any description" forward of that setback. In December of 2010, Mr. & Mrs.

Robert Maruszewski of 127 Grafton Street were **granted a variance to enlarge** a non-conforming uncovered stoop which would encroach five feet, six inches (5'-6") forward of the twenty-five (25) foot front building restriction and covenant setback line, an additional two feet, eleven inches (2'-11") farther than the existing stoop. In January of 2011 the same applicants were **denied a variance to construct** a portico over the previously approved stoop and steps. In January of 2011, Ms. Joanne Kyros and Mr. Thomas Schaufelberger were granted multiple variances to extend existing encroachments in the west (side) yard of their property pertaining to an addition as well as **granted a variance to construct** an uncovered stoop with three treads that would encroach five (5) feet forward of the front building restriction and covenant setback line, an additional two (2) inches farther than the existing treads. The applicants were **denied permission to construct a roof** over the proposed stoop that would encroach three (3) feet forward of the front building restriction line. In December 2010, Mr. Gregory L. Dixon and Ms. Susan F. Dixon, Co-Trustees of the Gregory L. Dixon Revocable Trust and the Susan F. Dixon Revocable Trust, of 5500 Montgomery Street, were **granted a variance to expand** their uncovered front stoop that would extend three (3) feet forward of the twenty-five (25) foot front building restriction and covenant setback line. In February of 2012, Mr. & Mrs. Andrew Marino, of 11 Primrose Street, were **granted a variance to relocate and construct** non-conforming uncovered front steps, leading to a covered porch, both of which were forward of the twenty-five (25) foot front building restriction and covenant setback line. The proposed steps would encroach twelve feet, eight inches (12'-8") forward of this twenty-five (25) foot front setback line, an additional ten (10) inches beyond the existing steps. In April of 2012 Mr. & Mrs. D. Blake Bath were **granted a variance to reconstruct** the uncovered front steps and add an additional step leading from the front walkway to the front porch forward of the twenty-five (25) foot front building restriction and covenant setback line. In May of 2012 Dr. & Mrs. Charles Bahn of 118 Hesketh Street were **granted a variance to reconstruct** the uncovered front steps from the front walkway to the front porch, adding one tread, a portion of which would be located forward of the twenty-five (25) foot front building restriction and covenant setback line. In June of 2012, Dr. & Mrs. Jeffrey Shuren were **granted a variance to reconstruct** uncovered steps that would extend an additional one foot, one inch (1'-1") beyond the existing steps for a maximum encroachment of six feet, eight

inches (6'- 8") forward of the twenty-five (25) foot front building restriction line. On December 10, 2012 the Chevy Chase Village Board of Managers considered the request of Mr. & Mrs. Steven Sprenger of 5501 Park Street for a variance to construct uncovered treads leading to a front stoop in the front (Park Street) yard which would encroach forward of the front building restriction line. **A motion to approve the request for a variance failed; therefore, construction of the proposed treads was denied** per the Village Manager's decision dated October 25, 2012. In that case there had not previously existed an encroachment forward of the front BRL and covenant setback line at the property nor was there an established encroachment throughout the rest of that block of Park Street. In March 2013, Mr. & Mrs. Alex Sternhell of 27 Primrose Street were **granted a variance to reconfigure** a pair of existing (uncovered) front steps that would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. Brendan O'Neill Sr. was **granted a variance to construct** a new house, the proposed soffit, gutter, portico stoop and treads of which would encroach forward of the twenty-five (25) foot front building restriction line. In June of 2013, Mr. & Mrs. Peter Wellington of 18 West Lenox Street were **granted a variance to reconstruct** the uncovered front stoop with three treads, including one new additional tread that would encroach a maximum of nine (9) feet. In July 2013, Mr. Christopher Erckert and Mr. Christopher Sperl were **granted a variance to modify** an existing uncovered stoop and one tread that would encroach a maximum of eleven and two-tenths (11.2) feet forward of the twenty-five (25) foot front building restriction line. In September 2013 Ms. Joanne Kyros and Mr. Thomas Schaufelberger were **granted a variance to reconstruct** an uncovered front stoop and treads, adding an additional tread, that would encroach a maximum of six feet, two inches (6'-2") forward of the twenty five (25) foot front building restriction line. In November of 2013 Mr. Sean F. X. Boland of 4 East Lenox Street was **granted a variance to reconstruct** a front stoop and treads as well as a portico over the proposed stoop. In that case there was no covenant conflict and the majority of the properties on the subject block of East Lenox Street also had encroachments forward of the twenty five (25) foot front BRL. In January of 2014, Mr. & Mrs. J. Michael McGarry of 24 West Kirke Street were **granted a variance to construct** a front stoop with two (2) treads that would encroach a maximum of five feet, two inches (5'-2") forward of the twenty-five (25) foot front building restriction line.

FINDINGS REQUIRED:

1. The proposed variance is required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in an unwarranted hardship and injustice to the owner.
2. The proposed variance will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and
3. Except for variances from the requirements of Sections 8-22 [fences], 8-26 [driveways] or Chapter 25 [public rights-of-way] of the Village Regulations, the structure authorized by the proposed variance would not violate any covenant applicable to the property.

Draft Motion

I move to APPROVE/DENY the variance request (a) and (b) on the basis that the evidence presented, including the Staff Report, demonstrates that the applicable requirements for approval of the variance HAVE/HAVE NOT been met. Staff is directed to draft a decision based on this evidence, including findings of fact and conclusions, APPROVING/DENYING the variance request.

CASE NO. A-5374
Appeal of Mr. Michael C. Williams and Ms. Susan K. Gallagher
(Hearing held April 14, 2008)

DECISION OF THE BOARD OF MANAGERS

Summary of Case

This proceeding involves an application for a variance pursuant to Section 8-12(b) of the Chevy Chase Village Code. The Applicants, Michael C. Williams and Susan K. Gallagher, propose to (a) construct a one-story wood frame addition, a portion of which would encroach 7.29 feet (7.29') into the twenty-five foot (25') front setback from Brookville Road, and (b) install a new step leading to the proposed addition, which would encroach 7.02 feet into the twenty-five foot (25') front setback from Brookville Road.

Applicable Law

The application seeks a variance from the requirements of two sections of the Chevy Chase Village Code ("Village Code"). The Applicants request a variance from Section 8-17(b) of the Village Code, which provides that "[n]o structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any premises, and no accessory building or structure shall be erected, except on the rear of any premises," and from the requirements of Section 8-17(k) of the Village Code, which provides that "[n]o awning, canopy or other protrusion shall be erected between the front building restriction line and the front lot line."

Procedural History

The subject property is known as Part of Lot 12, Block 47, in the "Chevy Chase, Section 2" subdivision and is also known as 21 East Melrose Street, Chevy Chase,

Maryland 20815 (the "Subject Property"). The Applicants submitted a variance application to the Village on March 6, 2008, seeking a variance under Section 8-12 of the Village Code. Notice of the hearing was posted at the Village Hall, posted at the property, and mailed to all abutting and confronting property owners on April 3, 2008. The notice indicated that a public hearing would be held by the Board of Managers in the Village Hall on April 14, 2008 at 7:00 p.m. to consider the Applicants' variance request.

The Applicants presented testimony at the hearing in support of their request. The following neighboring property owners submitted letters expressing their support of the Applicants' request: Bridget and Tim Overcash of 2 East Melrose Street; Alan and Susan Berlow of 9 East Melrose Street; Vicki Campbell of 12 East Melrose Street; Darwin Curtis of 13 East Melrose Street; Charles Farmer of 15 East Melrose Street; Emily Miller of 16 East Melrose Street; Daniel Korengold and Martha Dippell of 101 East Melrose Street; and Rob and Rebecca Nichols of 102 East Melrose Street. Mr. Nichols and Ms. Campbell also appeared before the Board on April 14, 2008 to express support for the Applicants' request. No other testimony was submitted.

Summary of Evidence

As part of their variance request, the Applicants submitted a proposed site plan, which shows the proposed structure and its relation to the twenty-five foot (25') front yard setback; a floor plan and exterior view of the house as it presently exists on the Subject Property and as it would exist under the proposed plan; and a letter explaining the basis for the variance application. Photographs taken by Village staff to show existing conditions of the Subject Property were submitted for the record.

The application materials indicate that the Applicants intend to construct a one-

story wood frame addition, a portion of which would encroach 7.29 feet into the twenty-five foot (25') front setback from Brookville Road, as well as to install a step leading to the proposed addition, which would encroach 7.02 feet into the twenty-five foot (25') front setback from Brookville Road.

As the site plan depicts, the Subject Property is a corner property with frontage on East Melrose Street and Brookville Road. Under the Village Code, the Subject Property's yards facing East Melrose Street and Brookville Road both require a twenty-five foot (25') setback.

The existing house has been built square to the East Melrose Street front property line and the Subject Property's west property line. The east front property line is a "dogleg" along Brookville Road that is not perpendicular to the north and south property lines, and which causes the Subject Property's north yard to be wider than its south front yard. The Applicants state in their letter, dated April 9, 2008, that the "foundation of the existing house was not originally sited in compliance with a 25' setback." A review of the site plan shows that the southeast corner of the existing house presently encroaches into the Brookville Road twenty-five foot (25') setback by approximately eighteen feet (18'), making it less than seven feet (7') from the Brookville Road front line. Also encroaching into the Brookville Road twenty-five foot (25') setback are an existing bay window, which is located on the northernmost part of the house's east wall, and a detached garage located at the northeast corner of the Subject Property.

The Applicants' proposed addition would replace the bay window along the east façade of the existing house with a mudroom and covered porch entrance, which the Applicants would use for a more direct route between the house and the garage. The

Applicants have also proposed the construction of a new stone step to allow for use of the covered porch entrance. The proposed step would be located on the east side of the house between the end of the existing porch and the proposed mudroom and would encroach no farther into the Brookville Road front setback than the roof line of the existing porch. In their letter, the Applicants state the following:¹

We have evaluated all possible alternatives for the placement of this addition. The design we are proposing uses the least amount of open space, is the most functional and is the most consistent with the historic character of the house. Because our house is sited very close to the property line and outside the [building restriction line (BRL)] in the front of the lot, and because the property line changes direction angling away from the house as it moves toward the back of the lot, the forward portion of the addition we are proposing falls outside the BRL while the rear portion is in compliance. To design around this unusual pinch point between our property line and the placement of the original house will sacrifice open space, functionality and esthetics ... [The proposed design] is a far better use of space than building a new covered entrance to the rear of the addition ... While our plans necessitate a variance, what we are requesting is far short of the original structure's 18.58' furthest intrusion into the setback area and is consistent with the way the original house was sited on an oddly configured lot. Denial of this variance request would be a hardship forcing us to significantly modify our plans.

The Applicants further state that the proposed mudroom addition and porch extension have been sized to fit into the house's footprint and would replace an "awkward and somewhat out of context kitchen bay" with a "more contextual exterior wall in harmony with the existing porch pilasters." In their letter the Applicants write:

The foundation of our proposed new addition and extended porch is set back from the existing line of the historic porch by 1.38'. This is situated to allow the new roofline to defer to the historic house porch line. A new stone step is located off of this new extended porch and is located 17.71'

¹ The Applicants' site plan shows the measurement of the original structure's farthest intrusion into the setback area to be 18.08 feet, or a distance of 6.92 feet between the original structure's eastern-most edge and the east property line. In their letter to the Village Manager, they state that this protrusion into the setback area is 18.58 feet or a distance of 6.42 feet between the original structure's eastern-most edge and the east property line. Under the circumstances of this matter, this discrepancy does not affect the matter's outcome.

from the property line at its closest point, or worst case condition, encroaching into the 25' [building restriction line] by 7.29'. Additionally, the gutter's edge of our proposed addition is located 17.98' off the property line at its closest point, or worst case condition, encroaching into the 25' [building restriction line] by 7.02'.

At the hearing, Mr. Williams testified that the Applicants' proposed addition would allow for greater functional use of their property, and would also serve as a "significant aesthetic improvement" to their house.

Neighboring property owners testified on behalf of the Applicants' request. Ms. Vicki Campbell of 12 East Melrose Street observed that the proposed structure would be a "beautiful addition" that would allow the house to remain consistent with its historical context. Mr. Rob Nichols of 102 East Melrose Street called the size and scope of the proposed structure "sensible" and "aesthetically consistent" with the rest of the Subject Property and other structures within the neighborhood.

A covenant in the chain of title to the property was found to apply to the Subject Property that provides, in relevant part: "[N]o structure of any description shall be erected within twenty-five (25) feet of the front line of the said premises."

Findings of Fact

Based upon the testimony and evidence of record, the Board makes the following findings in connection with this matter:

1. The Subject Property is a corner property located at the corner of Brookville Road and East Melrose Street, which under the Village Code requires a twenty-five foot (25') setback from the property's two front lot lines;
2. Brookville Road and East Melrose Street do not intersect at a right angle, and the Brookville Road front line is a "dogleg" which is not perpendicular to the north and

south property lines, resulting in an unusually shaped lot that has a north yard which is wider than its south front yard;

3. A substantial portion of the existing house was constructed within the twenty-five foot (25') setback from Brookville Road;

4. The existing house presently encroaches over eighteen feet (18') into the Brookville Road front setback;

5. The proposed new stone step is necessary because the first floor of the house is above the grade of the yard;

6. The proposed addition of the mudroom and new stone step would encroach into the Brookville Road front setback considerably less than the existing house and the existing porch;

7. The proposed addition of a mudroom and new stone step along the east wall of the existing house is modest and reasonable;

8. The design of the addition shows that the Applicants have made a good faith effort to minimize the encroachment and to build an addition that is consistent with the house's historic nature and the character of the neighborhood;

9. A review of the drawings submitted for the record reveals that the proposed addition and step would not materially enlarge the existing house's footprint and would not alter any views, sight lines or the natural flow of light and air;

10. Not granting the variance requests would create an undue hardship by requiring the Applicants to either construct this addition on the north façade of the house, which would expand the existing house's footprint into their north yard, or to design an odd-shaped addition around the Brookville Road front building restriction line over

which a significant part of their house already protrudes;

11. Considering all of the evidence presented, the proposed construction would not violate any enforceable covenant applicable to the Subject Property; and

12. No objections to the proposed addition have been raised.

Conclusions

Based upon the foregoing findings, the Board concludes the following:

1. The proposed variances are required because special conditions exist whereby the enforcement of the requirements of the Village Building Code would result in unwarranted hardship and injustice to the owner;

2. The proposed variances will most nearly accomplish the intent and purpose of the requirements of the Village Building Code; and

3. The proposed variances would not violate any enforceable covenant applicable to the property.

Accordingly, the requested variances from (a) the requirements of Section 8-17(b), which provides that "[n]o structure or play equipment of any description shall be erected within 25 feet of the front line of any premises, and no accessory building or structure shall be erected, except on the rear of any premises," and (b) the requirements of Section 8-17(k), which provides that "[n]o awning, canopy or other protrusion shall be erected between the front building restriction line and the front lot line," is GRANTED, provided, however, that:

1. The addition described above shall be constructed and maintained in accordance with the plans and specifications submitted for the record in this matter; and

2. The construction shall be completed on or before the 14th day of October, 2009, in accordance with the Applicants' request for a one and one-half (1 ½) year time allotment, which they assert is needed to receive Historic Preservation Commission approval, to secure the necessary permits, and to complete construction.

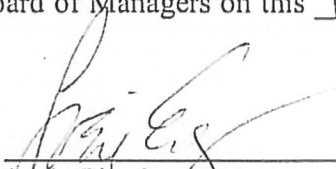
Resolution

The Chevy Chase Village Board of Managers hereby adopts the following Resolution:

BE IT RESOLVED by the Board of Managers of Chevy Chase Village that the decision stated above be adopted as the decision as required by Section 8-12(d) of the Chevy Chase Village Code, and the Village Manager be and he is hereby authorized and directed to issue a building permit for the construction of a one-story wood frame addition in accordance with the plans and specifications submitted for the record of this matter.

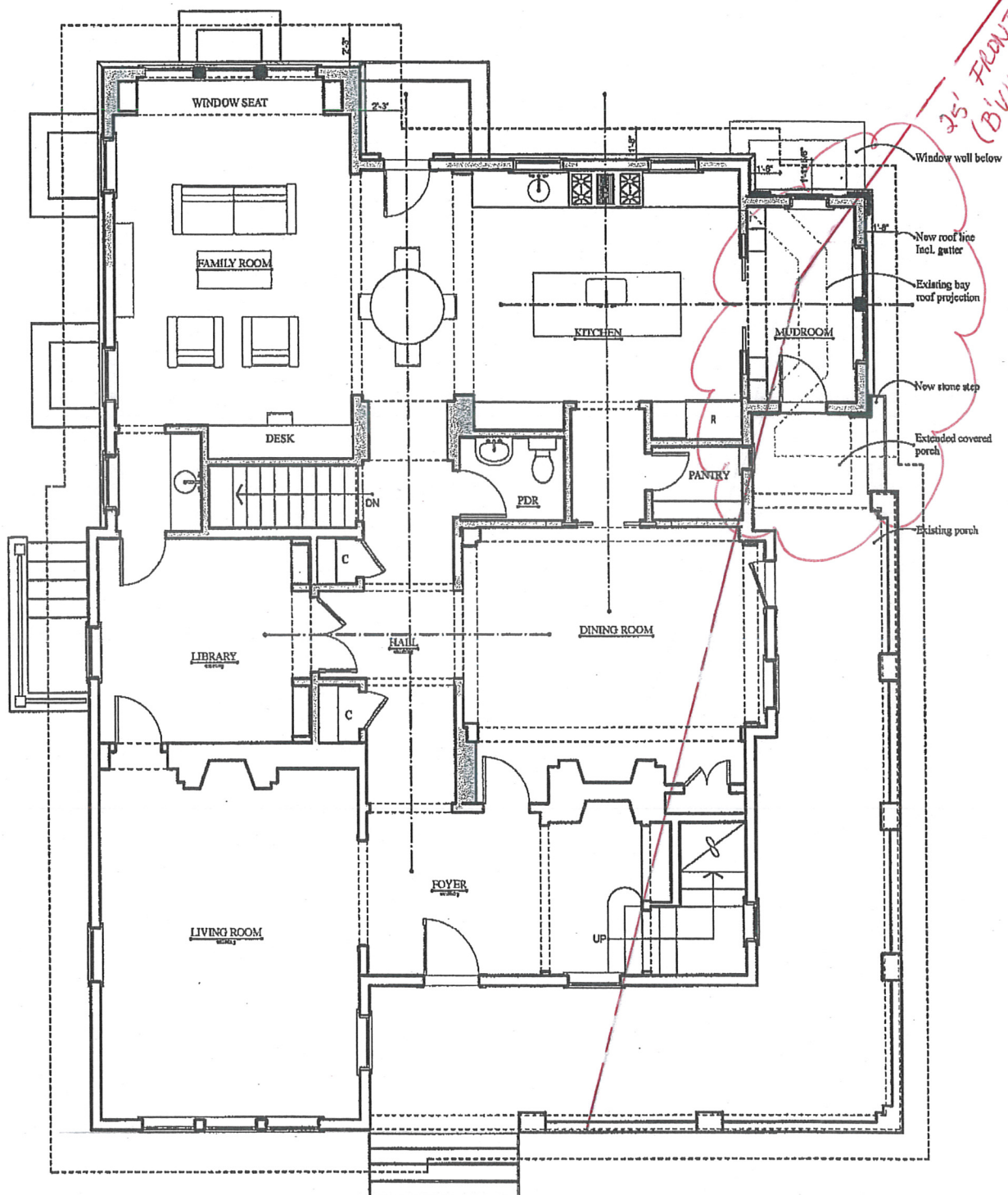
The foregoing Decision and Resolution to grant the variance requested was adopted by the Chevy Chase Village Board of Managers with the following members voting in favor: Susie Eig, Gail Feldman, Robert Jones, Douglas B. Kamerow, Betsy Stephens, David Winstead, and Peter Yeo.

I DO HEREBY CERTIFY, that the foregoing Decision and Resolution were approved and adopted by the Chevy Chase Village Board of Managers on this 12th day of MAY, 2008.



Susie Eig, Secretary
Board of Managers

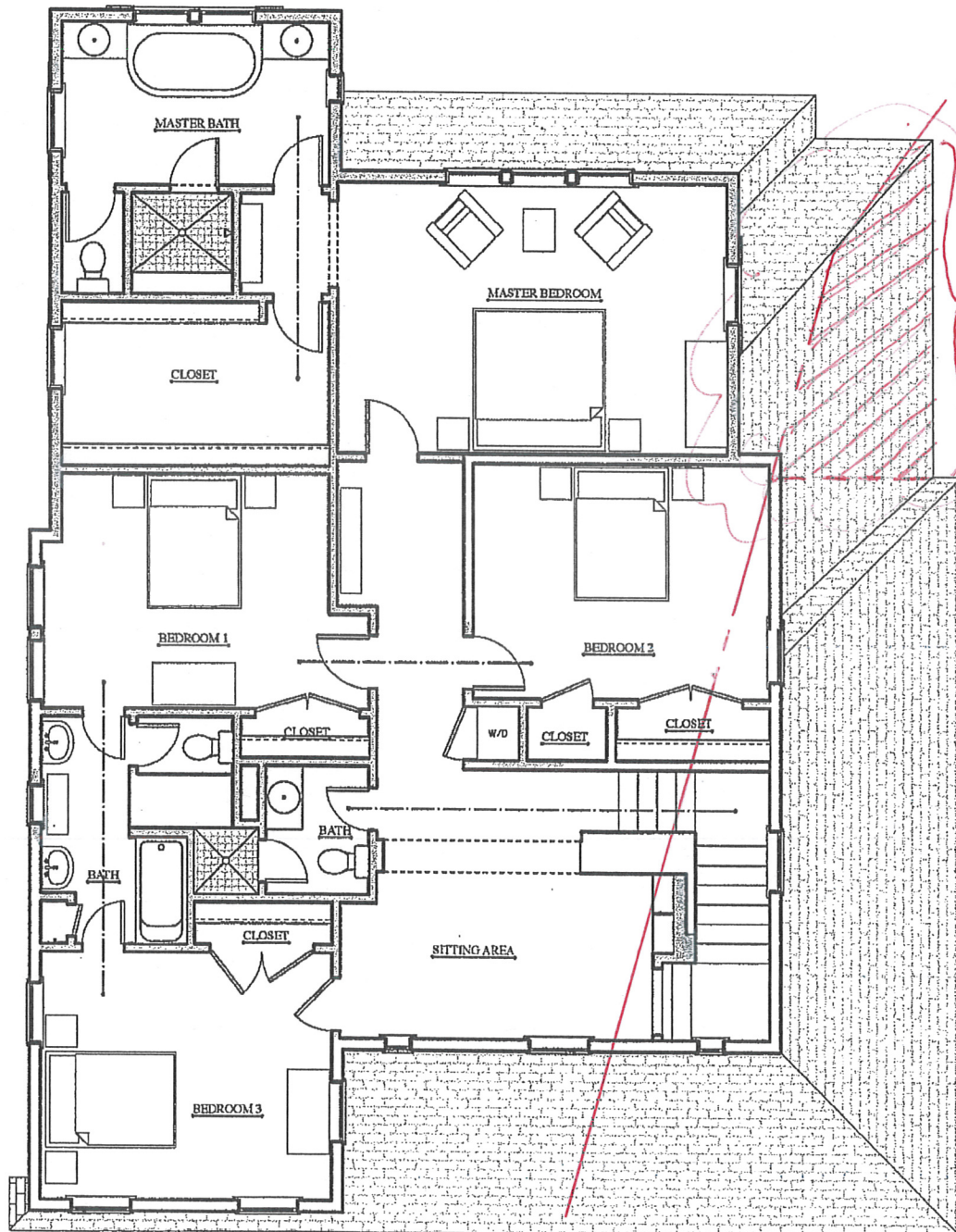

$$1/16'' = 1'-0''$$



First Floor Plan

1/8" = 1'-0"

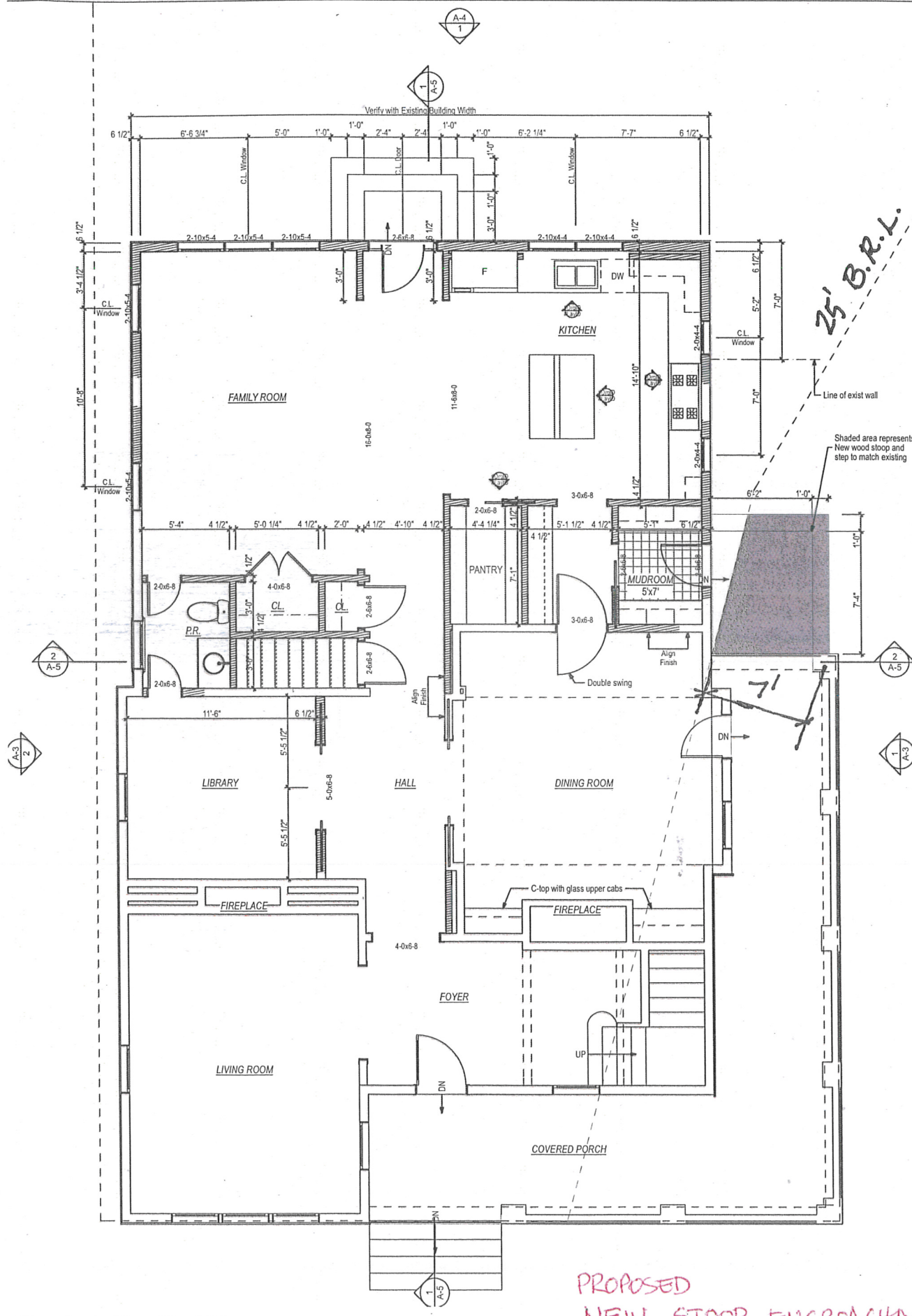
PREVIOUS APPEAL REQUEST
(FIRST FLOOR)



Second Floor Plan

1/8" = 1'-0"

PREVIOUS APPEAL
REQUEST
(SECOND FLOOR)



William L. Feeney Architect

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:		
Date:	Rev. No.	Description:

Drawing Title:
Architectural Plan

"PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 8353 EXPIRATION DATE: 11/07/14"

Date:	02/18/14	Sheet
Scale:		
Drawn:		
Chd:		
Project No.:		

2 Arch Plan First Floor
SCALE: 1/4" = 1'-0"

**PROPOSED
NEW STOOP ENCROACHMENT
N.T.S.**

A-1

4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeney.com tel 202 537 0397



William L. Feeney Architect

4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeney.com tel 202 537 0397

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:		
Date:	Rev. No.	Description:

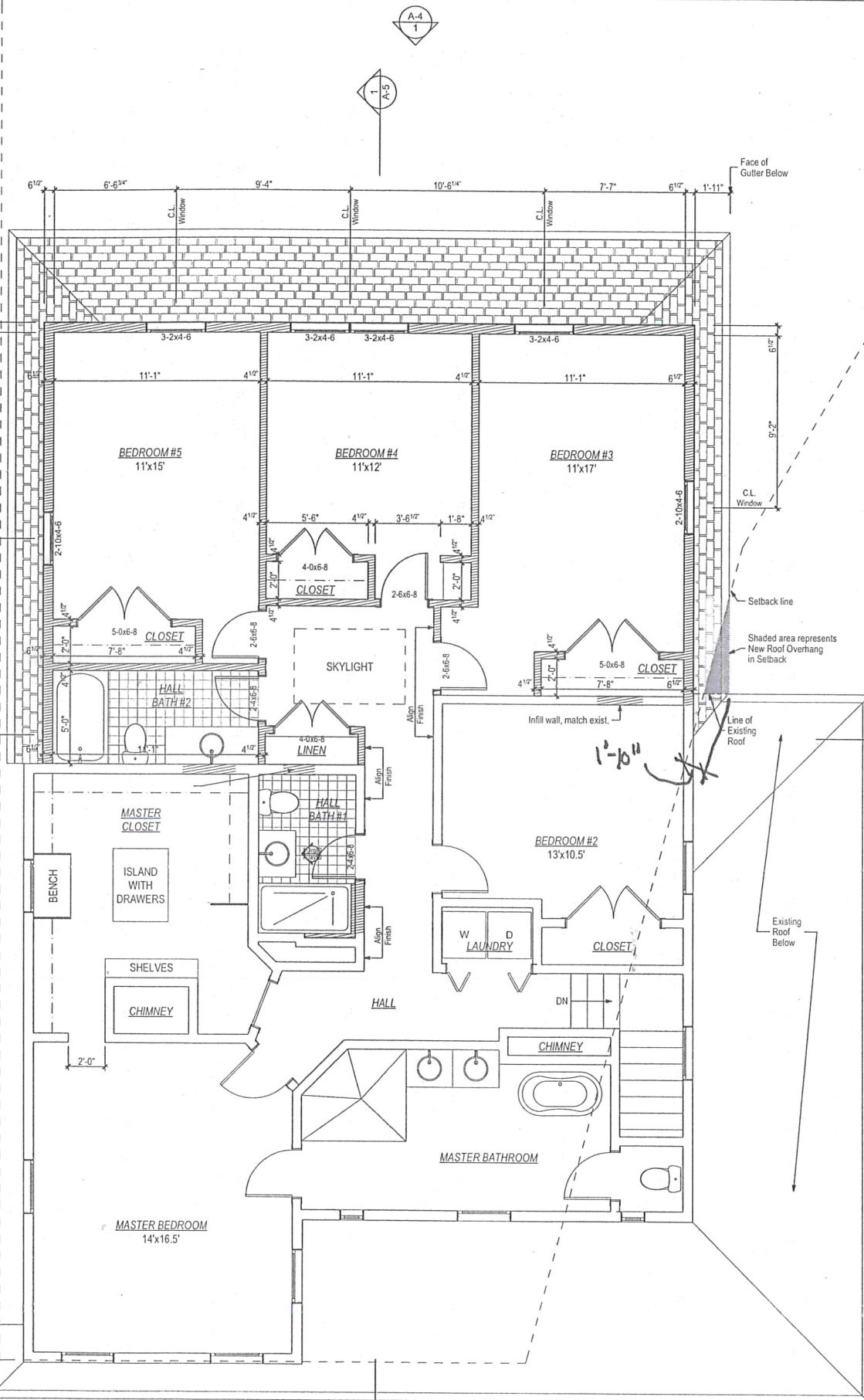
Drawing Title:		

Architectural Plan

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Drawn:		
Chd:		
Project No.:		

A-2



Arch Plan Second Floor

SCALE: 1/4" = 1'-0"

PROPOSED NEW GUTTER & SOFFIT ENCROACHMENT

N.T.S.

**CHEVY CHASE VILLAGE
NOTICE OF PUBLIC HEARING**

Please take notice that the Chevy Chase Village Board of Managers will hold a public hearing on the 10th day of March, 2014 at 7:30 p.m. The hearing will be held at the Chevy Chase Village Hall at 5906 Connecticut Avenue in Chevy Chase, Maryland.

**APPEAL NUMBER A-6499 (a) & (b)
MR. WILLIAM F. TYNDALL & MS. ELIZABETH A. TYNDALL
21 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

The applicants seek a variance from the Board of Managers pursuant to Section 8-11 of the Chevy Chase Village Building Code to:

- (a) construct a two story addition, the soffit and gutter of which would encroach a maximum of one foot, ten inches (1'-10") forward of the twenty five (25) foot front (Brookville Road) building restriction line; and
- (b) construct a stoop and one tread which would encroach a maximum of seven (7) feet forward of the twenty five (25) foot front (Brookville Road) building restriction line.

The Chevy Chase Village Code § 8-17 (c) states:

No structure or play equipment of any description shall be erected within twenty-five (25) feet of the front line of any lot.

Additional information regarding this appeal may be obtained at the Chevy Chase Village Office between the hours of 9:00 a.m. and 5:00 p.m. Monday through Friday, may be viewed on the Village website at www.chevychasevillagemd.gov or you may contact the office for this information to be mailed to you.


This notice was emailed (where possible) and mailed to abutting and confronting property owners on the 26th day of February, 2014.

**Chevy Chase Village Office
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
301-654-7300**

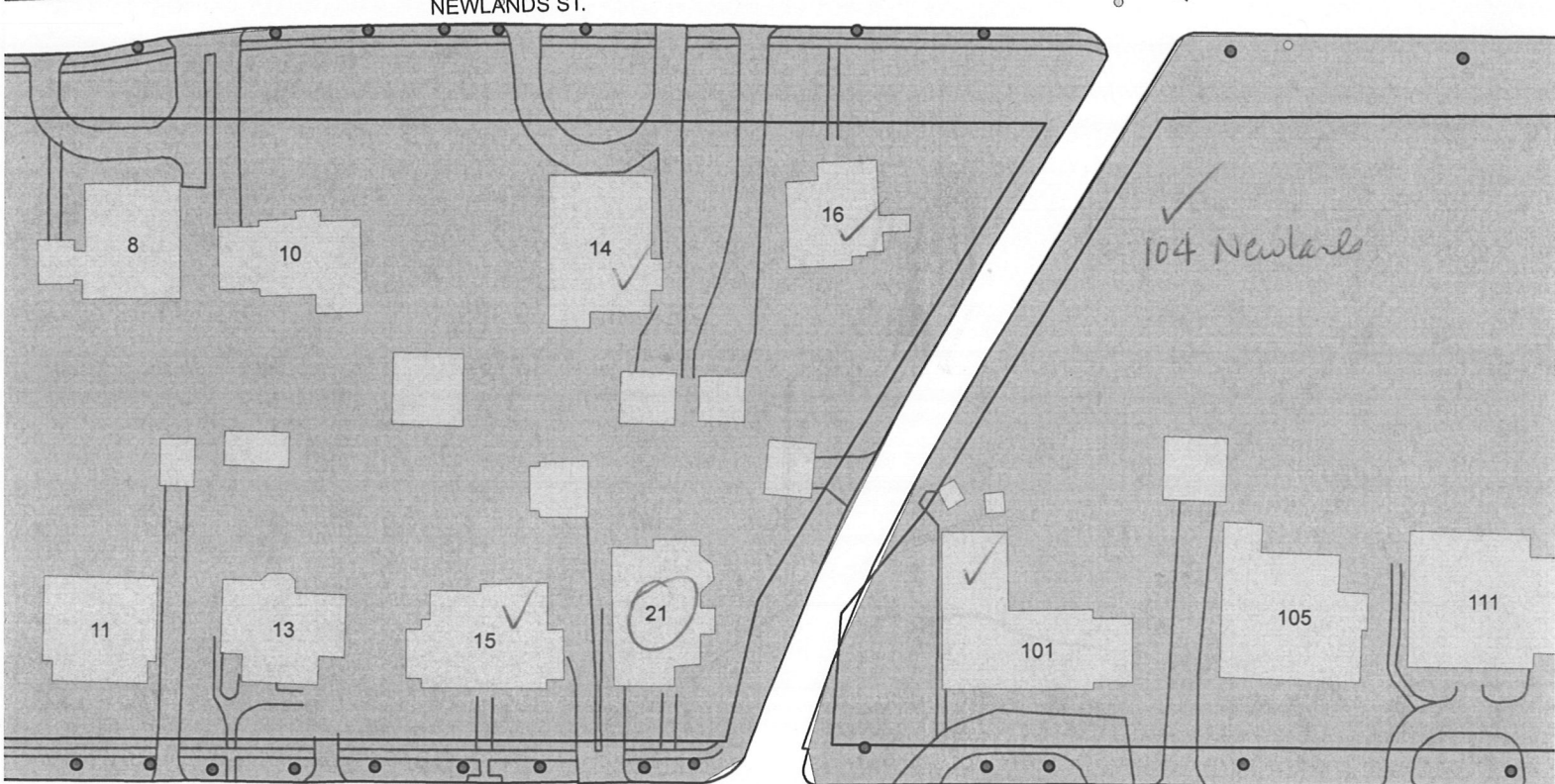
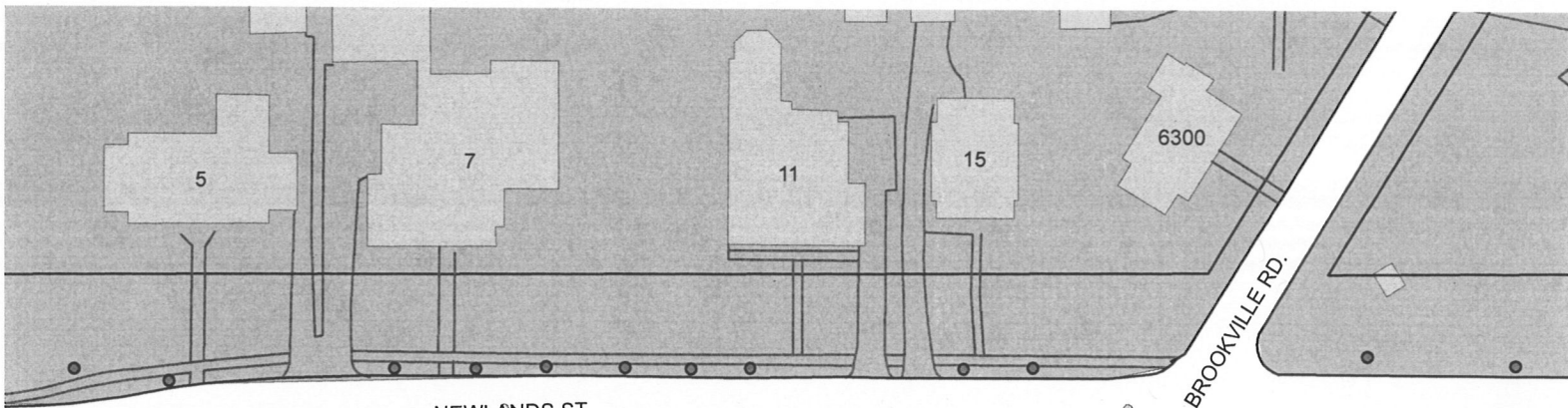
MAILING LIST FOR APPEAL A-6499 (A) & (B)

**MR. & MRS. WILLIAM TYNDALL
21 EAST MELROSE STREET
CHEVY CHASE, MARYLAND 20815**

Adjoining and confronting property owners	
Mr. and Mrs. Charles N. Farmer Or Current Resident 15 East Melrose Street Chevy Chase, MD 20815	Ms. Nancy O'Connell & Mr. Raymond Wiacek Or Current Resident 16 East Melrose Street Chevy Chase, MD 20815
Mr. Daniel L. Korengold Ms. Martha L. Dippell Or Current Resident 101 East Melrose Street Chevy Chase, MD 20815	Mr. and Mrs. Robert S. Nichols Or Current Resident 102 East Melrose Street Chevy Chase, MD 20815
Mr. and Mrs. William Burck Or Current Resident 104 East Melrose Street Chevy Chase, MD 20815	Mr. and Mrs. Frank Saul Or Current Resident 14 Newlands Street Chevy Chase, MD 20815
Mr. and Mrs. Robert S. Morgenstein Or Current Resident 16 Newlands Street Chevy Chase, MD 20815	Ms. Laura Rosenfeld Barnes; Mr. Phillip Rosenfeld; & Mr. David Rosenfeld c/o Mr. Ronald Rosenfeld 1881 N. Nash Street #TS 10 Arlington, VA 22209


I hereby certify that a public notice was mailed and emailed (where possible) to the
aforementioned property owners on the 26th day of February, 2014.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



MAILING LIST FOR APPEAL A-6499 (A) & (B)

**MR. & MRS. WILLIAM TYNDALL
21 EAST MELROSE STREET
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gs 2/28
I hereby certify that a public notice was mailed and emailed (where possible) to the
aforementioned property owners on the 26th day of February, 2014.

**Ellen Sands
Permitting and Code Enforcement Coordinator
Chevy Chase Village
5906 Connecticut Avenue
Chevy Chase, MD 20815**



February 26, 2014

Mr. & Mrs. William Tyndall
21 East Melrose Street
Chevy Chase, MD 20815

Dear Mr. & Mrs. Tyndall:

Please note that your request for a variance to construct an addition and stoop that would each encroach forward of the twenty-five (25) foot front (Brookville Road) building restriction line at your property is scheduled before the Board of Managers on Monday, March 10, 2014 at 7:30 p.m.

Either you or another representative must be in attendance to present your case. At that time, additional documents may be introduced and testimony can be provided in support of the request.

Should the Board approve your request, all applicable permits from the Village and Montgomery County must be obtained prior to commencing the work. For your convenience, enclosed please find copies of the Public Hearing Notices and mailing list. Please contact the Village office in advance if you are unable to attend.

Sincerely,

Ellen Sands
Permitting and Code Enforcement
Chevy Chase Village

Enclosures

Cc: Bill Feeney, architect (via email)

CHEVY CHASE VILLAGE
5906 Connecticut Avenue
Chevy Chase, Maryland 20815
Phone (301) 654-7300
Fax (301) 907-9721
ccv@montgomerycountymd.gov
www.chevychasevillagemd.gov

BOARD OF MANAGERS

PATRICIA S. BAPTISTE
Chair
MICHAEL L. DINGER
Vice Chair
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Secretary
DAVID L. WINSTEAD
Assistant Secretary

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Treasurer
ROBERT C. GOODWIN, JR.
Assistant Treasurer
ELISSA A. LEONARD
Board Member

VILLAGE MANAGER
SHANA R. DAVIS-COOK
LEGAL COUNSEL
SUELLEN M. FERGUSON

Chevy Chase Village
Building Permit Application

Permit No: A-6499 a+b

Property Address: 21 East Melrose Street, Chevy Chase, MD 20740	
Resident Name: William & Elizabeth Tyndall Daytime telephone: <u>301 312 6902</u> Cell phone: <u>513 646 8024</u> After-hours telephone: <u>513 646 8024</u> E-mail: <u>elizabethk910@aol.com</u>	
Project Description: 2 Story framed addition	
<input type="checkbox"/> Check here if the construction will require the demolition of over fifty (50) percent of any existing structure.	
Primary Contact for Project: <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Architect <input type="checkbox"/> Project Manager <input type="checkbox"/> Contractor* *MHIC/MD Contractor's License No. (required):	
Information for Primary Contact for Project (if different from property owner): Name: William L. Feeney Work telephone: 202-537-0397 After-hours telephone: Cell phone: 202-441-2058 E-mail: bill@billfeeney.com	
Will the residence be occupied during the construction project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, provide contact information for the party responsible for the construction site (if different from above): Name: Address: Work telephone: After-hours telephone: Cell phone: E-mail:	
Parking Compliance: Is adequate on-site parking available for the construction crews? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please attach a parking plan which minimizes inconvenience to neighboring residents, and indicate if the property is in a permit parking area. Will road closings be required due to deliveries, equipment or other reasons? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Building Permit Filing Requirements:
Application will not be reviewed until the application is complete

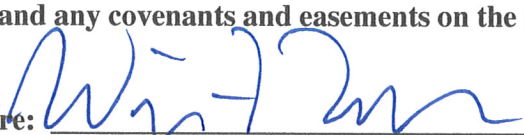
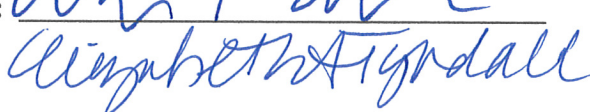
- ☐ Copy of stamped drawings approved by Montgomery County Department of Permitting Services (DPS) and the Historic Preservation Commission (HPC), if required. Every page of drawings must be clearly stamped.
- ☐ This application form, signed by resident.
- ☐ Boundary Survey
- ☐ Site Plan (see: Village Site Plan Checklist to ensure completeness)
- ☐ Building plans and specifications
- ☐ Tree Preservation Plan requested of Village arborist (see: Village Tree Inspection Request form). All required tree protections must be fully installed before any work begins.
- ☐ Filing Fee (due at time of application). Fees schedule is listed in Chapter 6 of the Village Code.
- ☐ Damage deposit or performance bond (due when Building Permit is issued). Amount of required deposit or bond will be set by Village Manager.

Once this permit application is complete, the Village Manager will review the application and accompanying documents and, under most circumstances, act on the application within 5 to 10 working days.

If the Montgomery County permit is suspended, revoked or lapsed, the Village permit is automatically suspended, revoked or lapsed.

No signs advertising the architect, contractor, or any other service provider may be posted on the work site.

I hereby certify that I have the authority to make the foregoing application, that the application is correct, that I have read and understood all requirements and that the construction will conform to the regulations of the Montgomery County Zoning Code, the Village Code including Urban Forest code, and any covenants and easements on the subject property.

Applicant's Signature:  **Date:**  2-16-14

To be completed by Village staff:

Is this property within the historic district?

☒ Yes

No

Staff Initials: 

Date application filed with Village: 2/18/14

Date permit issued: _____

Expiration date: _____

For Use By Village Manager	Application approved with the following conditions:
For Use By Village Manager	Application denied for the following reasons:
<div style="border: 2px solid black; padding: 5px; display: inline-block;"> DENIED FEB 19 2014 Chevy Chase Village Manager </div>	<i>Denial</i> The proposed addition protrudes forward of the 25' front (Brookwood) BRL.

Filing Fees (due when application submitted)	Checks Payable to:
Permit Application Fee: \$ <u>TBD</u> (see Permit Fee Worksheet) <input type="checkbox"/> \$50.00 (if construction is in the Public Right-of-way)	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
Tree Preservation Plan Fee: <input type="checkbox"/> \$250.00 <u>TBD</u> <input type="checkbox"/> Not required for this project.	
TOTAL Fees: <u>TBD</u>	Date: <u>2/19/14</u> Staff Signature: <u>[Signature]</u>

Damage Deposit/Performance Bond (due when permit is issued)	Checks Payable to:
<input type="checkbox"/> \$ _____ <input type="checkbox"/> Waived by Village Manager	Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815
	Date: _____ Village Manager Signature: _____
Cost of damage to R-O-W: (calculated at close-out) Amount of refund:	Date: _____ Village Manager Signature: _____

Chevy Chase Village Application for a Variance

A variance is permission granted to a landowner to depart from the specific requirements of the Village zoning ordinance and allows a landowner to use land differently than specified in the ordinance. The variance is a written authorization from the Board of Managers permitting construction in a manner not otherwise allowed by the Village Code.

Subject Property: 21 East Melrose Street, Chevy Chase, MD 20740	
Describe the Proposed Project: 2 Story framed addition	
Applicant Name(s) (List all property owners): William & Elizabeth Tyndall	
Daytime telephone: 301 312 6902	Cell: 513 646 8024
E-mail: elizabethk910@aol.com	
Address (if different from property address):	
For Village staff use:	
Date this form received: 2/18/14	Variance No: A-6499

Filing Requirements:

Application will not be accepted or reviewed until the application is complete

- ☒ Completed Chevy Chase Village Application for a Variance (this form)
- ☒ Completed Chevy Chase Village Building Permit Application
- ☐ A boundary survey or plat diagram with a margin of error of one tenth of a foot or less showing all existing structures, projections and impervious surfaces.
- ☐ Surveys, plats, engineering reports, construction plans/specifications or other accurate drawings showing boundaries, dimensions, and area of the property, as well as the location and dimensions of all structures/fences/walls/etc., existing and proposed to be erected, and the distances of such structures/fences/walls/etc., from the nearest property lines. These drawings shall incorporate and display reference dimensions from the boundary survey or plat diagram required above.
- ☐ Copy of Covenants applicable to the property except for variances from Sections 8-22, 8-26 or Article IV of Chapter 8 of the Chevy Chase Village Code.
- ☐ Variance fee (See fee schedule listed in Chapter 6 of the Village Code).

Affidavit

I hereby certify that I have the authority to submit the foregoing application, that all owners of the property have signed below, that I have read and understand all requirements and that I or an authorized representative will appear at the scheduled public hearing in this matter. I hereby authorize the Village Manager, or the Manager's designee, and/or the Board of Managers to enter onto the subject property for the purposes of assessing the site in relation to this variance request. I hereby declare and affirm, under penalty of perjury, that all matters and facts set forth in the foregoing application are true and correct to the best of my knowledge, information and belief.

Applicant's Signature: William Tyndall

Date: 2/16/14

Applicant's Signature: Elizabeth Tyndall

Date: 2-16-14

Describe the basis for the variance request (attach additional pages as needed).

Describe the special conditions of the property (e.g., odd shape, small size, sloping topography, abuts state highway, etc.) and how the property compares to other properties in the Village:

The proposed addition will only have a small portion of the roof overhang and gutter that encroaches on the building setback line. In addition there is a stoop and 2 steps, required by code for the new side entry, that extend into the setback at grade level. As part of the addition we are removing a bay that projects into the current setback. The lot is a corner lot with 2 front yard setbacks and an odd shape, which causes the small encroachment by the roof, gutter and 2 steps into the setback.

Describe how enforcement of the building regulations would result in an unwarranted hardship and injustice because of the special condition(s) described above (i.e., describe (i) the unwarranted hardship and injustice that you claim exists and (ii) how the special conditions cause that unwarranted hardship and injustice):

Please note that a variance was granted for this property for a larger encroachment for the previous owner. It was case #A-5374 on April 14, 2008 for Michael Williams and Susan Gallagher. On our proposed addition, the walls remain inside the setback lines. In order to keep the historic character of the building, we aligned with the existing roof overhang. The maximum the new roof extends into the setback is approximately a 2 feet sliver at its maximum and tapers down to zero. The steps extend a maximum of 7' into the setback, but align with the existing covered porch which is encroaching on the setback of the odd shaped corner lot.

Describe how the proposed variance most nearly accomplishes the intent and purpose of the requirements of Chapter 8 of the Chevy Chase Village Code, entitled *Buildings and Building Regulations*:
We have kept the walls of the building completely inside the setback lines. It is only a small portion of the roof and steps that encroach.

In exercising its powers in connection with a variance request, the Chevy Chase Village Board of Managers may reverse or affirm, wholly or partly, or may modify the requirement, decision or determination as it deems appropriate.

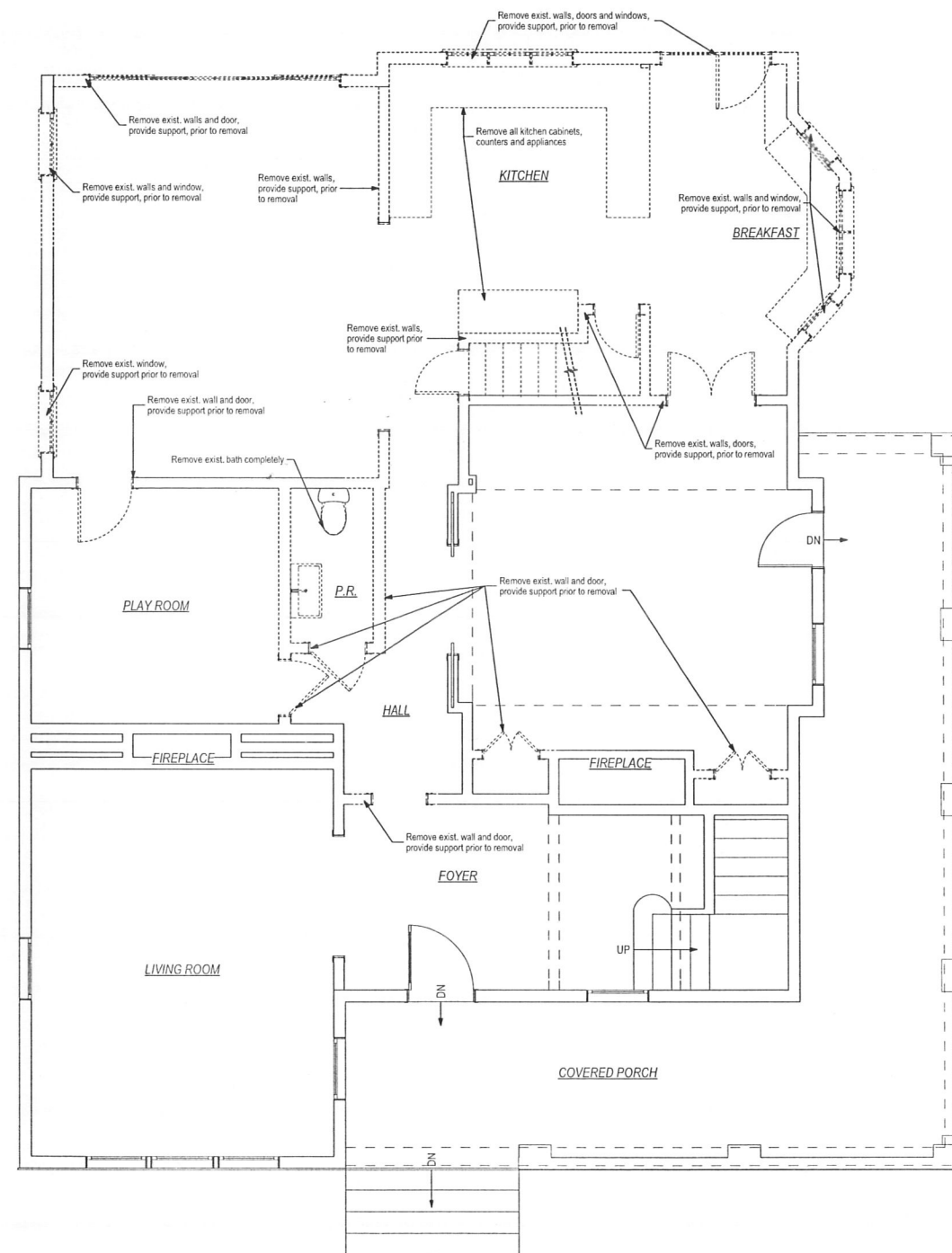
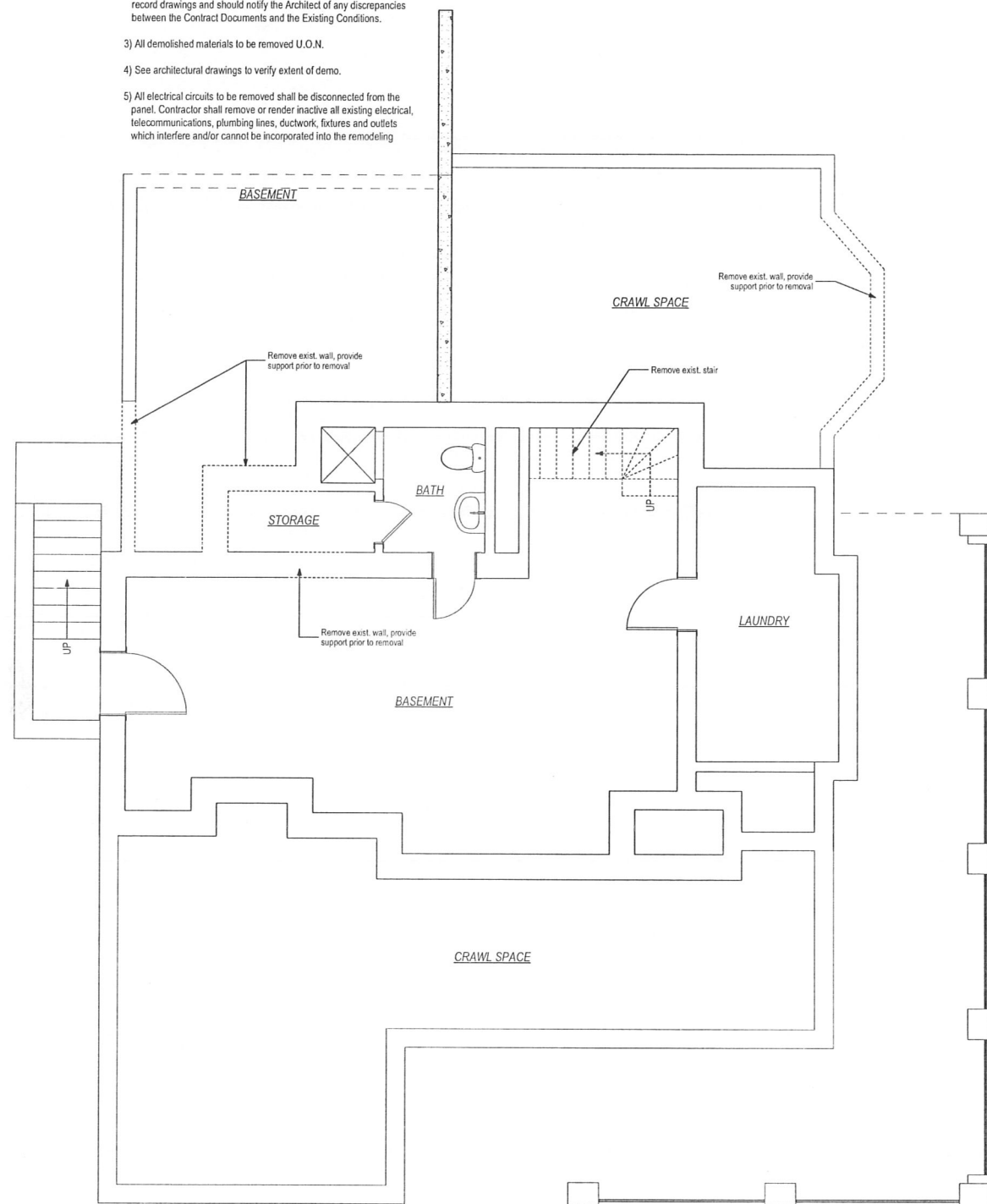
Variance Filing Fee <i>Per Village Code Sec. 6-2(a)(24):</i> <input checked="" type="checkbox"/> \$300.00 for new construction. <input type="checkbox"/> \$150.00 for replacing existing non-conformities. <input type="checkbox"/> \$300.00 for fences, walls, play equipment, trees, hedges, shrubbery in the public right-of-way. <input type="checkbox"/> Other: \$ _____ Fee Paid: \$300.00	Checks Payable To: Chevy Chase Village 5906 Connecticut Ave. Chevy Chase, MD 20815 Date Paid: 2/19/14 Staff Signature: <i>[Signature]</i>
	Approved to Issue Building Permit per Board Decision Signed by the Board Secretary on: Date: _____ Signature: _____ Village Manager

CS-1

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General Demolition Notes

- 1) See sheet SP1 for general notes regarding demolition.
- 2) Contractor is responsible for surveying all existing conditions and all record drawings and should notify the Architect of any discrepancies between the Contract Documents and the Existing Conditions.
- 3) All demolished materials to be removed U.O.N.
- 4) See architectural drawings to verify extent of demo.
- 5) All electrical circuits to be removed shall be disconnected from the panel. Contractor shall remove or render inactive all existing electrical, telecommunications, plumbing lines, ductwork, fixtures and outlets which interfere and/or cannot be incorporated into the remodeling.



2 Demo Plan Basement
SCALE: 1/4" = 1'-0"

1 Demo Plan First Floor
SCALE: 1/4" = 1'-0"



William L. Feeny Architect

4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeny.com tel 202 537 0397

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:

Date:	Rev. No.	Description:

Drawing Title:

Demolition Plan

*PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 8353 EXPIRATION DATE: 11/07/14

Date:	02/18/14	Sheet
Scale:		
Drawn:		
Chd:		
Project No.:		

D-1

Remove exist roof.
Provide support prior
to removal.

This diagram illustrates the removal of an existing roof structure. It shows a 3D perspective of a building with a complex roofline. A section of the roof is highlighted with dashed lines, indicating the area to be removed. Two arrows point to the roof structure, with the text "Remove exist roof. Provide support prior to removal." indicating the required action. Two rectangular boxes are placed on the roof surface, likely representing support points or structural elements to be maintained during the removal process.

William L. Feeney Architect

4519 Chesapeake Street NW, Washington D.C. 20016
 www.billfeeney.com tel: 202 537 0397

21 East Melrose St.
Chevy Chase, MD 20740

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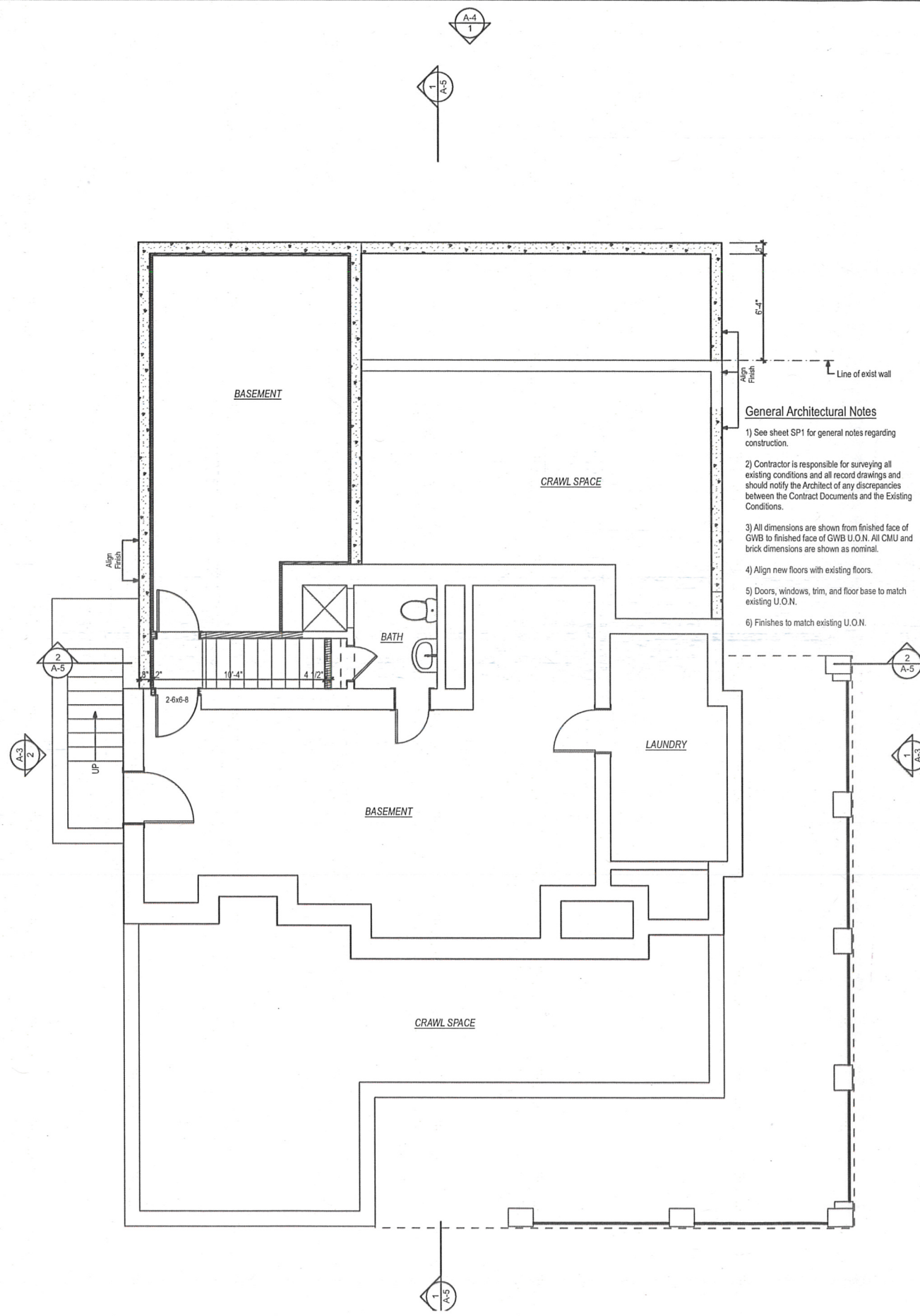
Demolition Plan

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EXPIRATION DATE: 11/07/14

Date:	02/18/14	Sheet D-2
Scale:		
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Project No.:		

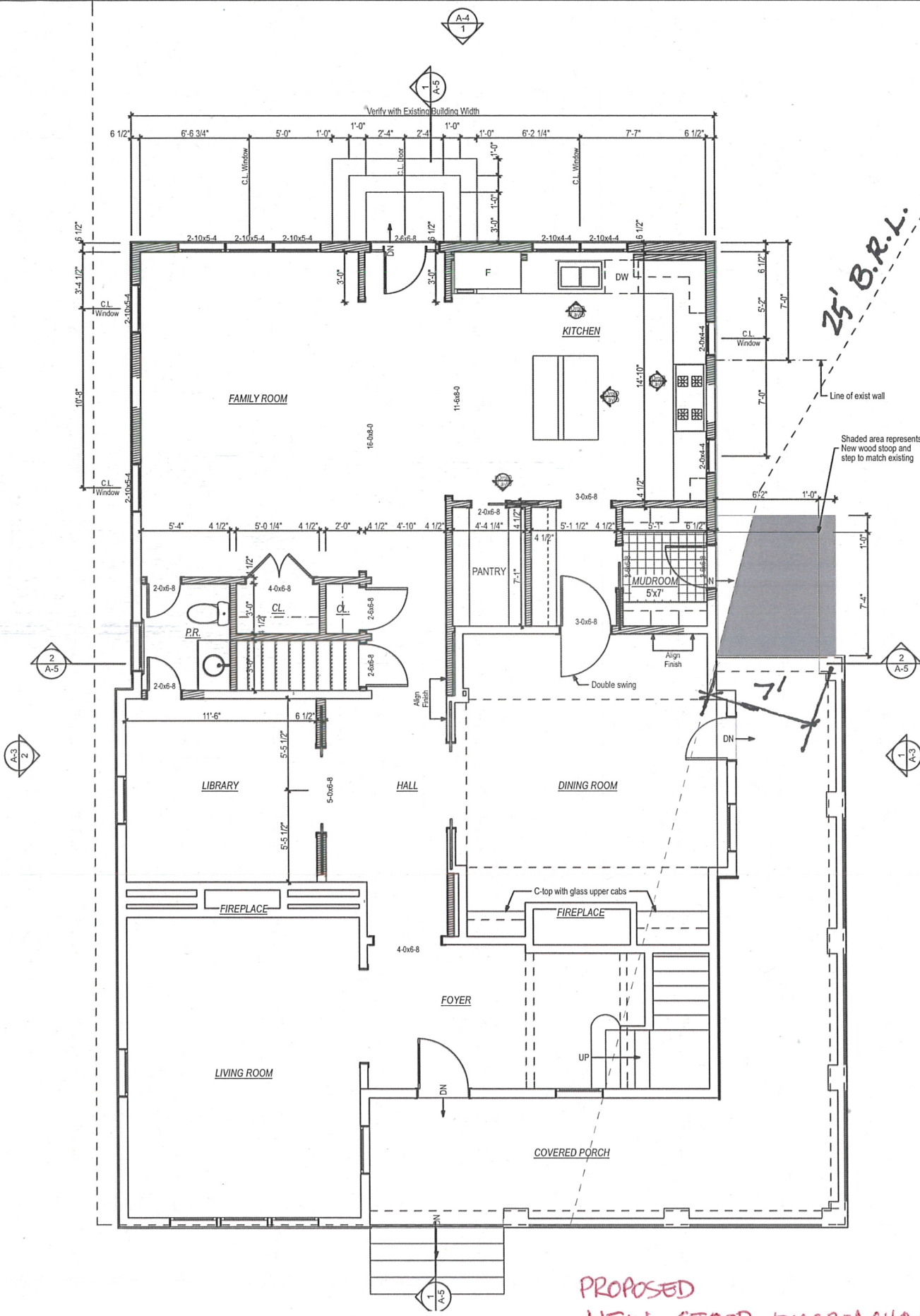
D-2

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1 Arch Plan Basement
SCALE: 1/4" = 1'-0"

- General Architectural Notes**
- 1) See sheet SP1 for general notes regarding construction.
 - 2) Contractor is responsible for surveying all existing conditions and all record drawings and should notify the Architect of any discrepancies between the Contract Documents and the Existing Conditions.
 - 3) All dimensions are shown from finished face of GWB to finished face of GWB U.O.N. All CMU and brick dimensions are shown as nominal.
 - 4) Align new floors with existing floors.
 - 5) Doors, windows, trim, and floor base to match existing U.O.N.
 - 6) Finishes to match existing U.O.N.



2 Arch Plan First Floor
SCALE: 1/4" = 1'-0"

PROPOSED
NEW STOOP ENCROACHMENT
N.T.S.

William L. Feeny Architect
4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeny.com tel 202 537 0397

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:

Date:	Rev. No.	Description:

Drawing Title:

Architectural Plan

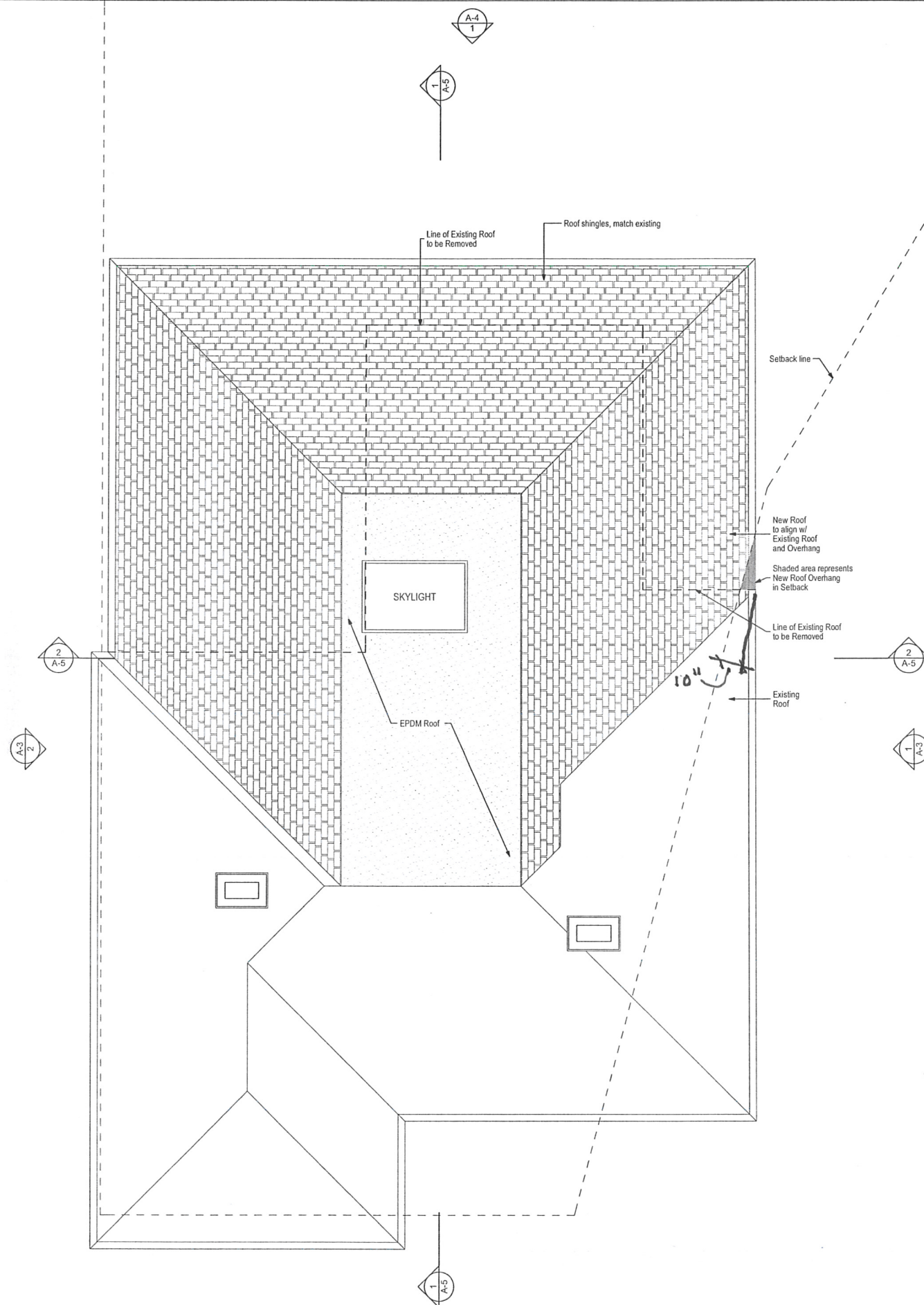
*PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DAILY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 8353 EXPIRATION DATE: 11/07/14

Date:	02/18/14	Sheet
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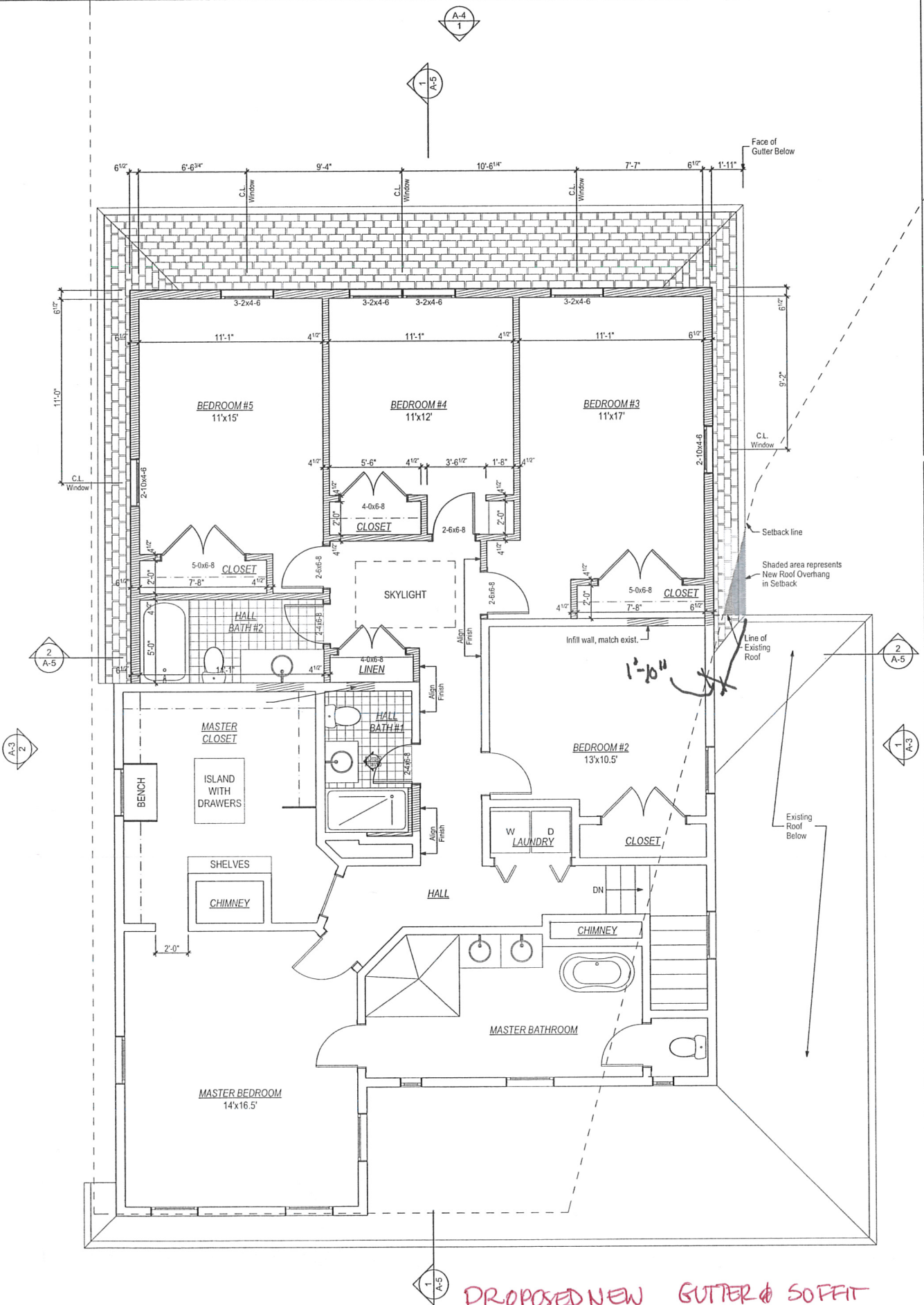
A-1

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2 Arch Plan Roof
SCALE: 1/4" = 1'-0"



1 Arch Plan Second Floor
SCALE: 1/4" = 1'-0"



PROPOSED NEW GUTTER & SOFFIT ENCROACHMENT

N.T.S.

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

William L. Feeny Architect

4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeny.com tel 202 537 0397

Drawing Title:

Date:	Rev. No.	Description:

Drawing Title:

Architectural Plan

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Date:	02/18/14	Sheet
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Chd:		
Project No.:		

A-2



1 Right Elevation
SCALE: 1/4" = 1'-0"



2 Left Elevation
SCALE: 1/4" = 1'-0"

William L. Feeny Architect

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www.billfeeny.com tel 202 537 0397

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:

Date:	Rev No	Description:

Drawing Title:

Elevations

"PROFESSIONAL CERTIFICATION: I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MARYLAND. LICENSE NO. 8353 EXPIRATION DATE: 11/07/14

Date:	02/18/14	Sheet
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Chd:		
Project No.:		

A-3

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1 Rear Elevation
SCALE: 1/4" = 1'-0"



2 Front Elevation
SCALE: 1/4" = 1'-0"

William L. Feeny Architect

4519 Chesapeake Street NW, Washington D.C. 20016
www.billfeeny.com tel 202 537 0397

Tyndall Residence

21 East Melrose St.
Chevy Chase, MD 20740

Drawing Title:

Date:	Rev. No.	Description

Drawing Title:

Elevations

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A-4











act and deed.

James E. Garrett, J.P.

At the request of Olga M. Spier the following Deed was recorded November 30th A.D. 1907 at 9 o'clock A.M., to wit.

THIS INDENTURE, Made this twenty second day of November A.D. 1907;

WITNESSETH, That Edith McAllister Newlands (acting in relation to her sole and separate estate) and Francis G. Newlands, her husband, of the State of Nevada, parties of the first part, for and in consideration of the sum of seventy five hundred dollars, in current money of the United States, to them paid by Olga M. Spier, of the District of Columbia, party of the second part, receipt of which at the delivery hereof is hereby acknowledged, doth grant and convey unto and to the use of the said Olga M. Spier, her heirs and assigns the following described land and premises with the easements and appurtenances thereto belonging, situate and lying in Montgomery County, State of Maryland, and described by metes and bounds, as follows, to-wit:

BEGINNING for the same at a stone which marks the intersection of the West line of the Brookville Road and the North line of Malrose Street, if extended, and running thence West along the said North line of Malrose Street, if extended, fifty four & 59/100 (54.59) feet; thence North one hundred and twenty five (125) feet; thence Due East one hundred and nine & 72/100 (109.72) feet to the West line of Brookville Road; thence following the said West line of Brookville Road South thirty degrees, fifty six minutes (30° 56') West seventy six & 54/100 (76.54) feet to a stake on the said West line of Brookville Road; thence still following said West line of the Brookville Road south fourteen degrees, fifty four minutes (14° 54') West sixty one & 41/100 (61.41) feet to a stone and the place of beginning, containing ninety six & 20/100 (96.20) square feet of land, more or less. Being the same land and premises conveyed by Charles S. Hillyer to the said Edith McAllister Newlands by deed dated June 16th 1903, and recorded June 18th, 1903, in Liber T.D. No. 26, folio 306 et seq., one of the Land Records of Montgomery County, Maryland.

To Have and To Hold the said land and premises with the easements and appurtenances unto and to the use of the said Olga M. Spier, party hereto of the second part, her heirs and assigns forever.

In Consideration of the execution of this Deed, the said party of the second part for herself and for her heirs and assigns, hereby covenants and agrees with the parties of the first part, their heirs and assigns (such covenants and agreements to run with the land and to be for the mutual benefit of all portions of the Section of the subdivision of which the land hereby conveyed forms a part), as follows:-

1. All houses upon the premises hereby conveyed shall be built and used for residence purposes, exclusively, except stables, carriage houses, sheds or other out-buildings, for use in connection with such residences, and no trade, business, manufacture or sales, or nuisance of any kind shall be carried on or permitted upon said premises.

2. That no structure of any description shall be erected within twenty five (25) feet of the front line of the said premises; and no stable shall be erected except on the rear of

(seal)
(seal)
(seal)
(seal)
(seal)
(seal)
(seal)
(seal)
(seal)
(seal)

*Examined
Referred to
H. N. Winfield
Dec 3, 1907*

en hundred and
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her husband,
married and
the fore-
the Peace.

en hundred and
and, in and for
her husband,
n deed.

the Peace.

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Garrett, her
act and deed

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said premises. In the case of corner lots any line bordering upon any street, avenue, or parkway, shall be considered a front line.

3. That no house shall be erected on said premises at a cost less than thirty five hundred (\$3500) dollars.

4. That any house erected on said premises shall be designed for the occupancy of a single family, and no part of any house or of any structure appurtenant thereto shall be erected or maintained within five (5) feet of the side lines of the lot hereby conveyed, nor within ten (10) feet of the nearest adjacent house, except that houses in pairs may be erected on said lot, the outer walls of such double houses to be not less than five (5) feet from side lines of said lot.

5. That a violation of any of these covenants and agreements may be enjoined and the same enforced at the suit of the parties hereto of the first part, or of The Chevy Chase Land Company, of Montgomery County, Maryland, its successors and assigns, (assigns including any person deriving title mediately or immediately to any lot or square, part of lot or square, of said Section Two, from the said Company).

AND the said parties hereto of the first part covenant that they will warrant specially the property hereby conveyed, and will execute such further assurances of the said lands may be requisite.

In Testimony Whereof the parties hereto of the first part have hereunto set their hands and seals on the day and year first hereinbefore written.

Signed, sealed and delivered ³¹⁴ Edith McAllister Newlands (seal)
in the presence of - ³¹⁵ Francis G. Newlands (seal)
Albert W. Sioussa.

District of Columbia, to wit:-

I hereby certify that on this twenty second day of November A.D. 1907, before the subscriber a Notary Public in and for the District of Columbia, personally appeared Edith McAllister Newlands and Francis G. Newlands, her husband, and acknowledged the foregoing deed to be their respective act and deed.

In Testimony Whereof, I have hereunto affixed my official seal, this twenty second day of November A.D. 1907.

Albert W. Sioussa
Notary Public
District of Columbia
Commission expires
June 6th, 1908.

Albert W. Sioussa,
Notary Public, D.C.

At the request of ³¹⁴ Jessie N. Hunt the following Deed was recorded November 30th A.D. 1907 at 9 o'clock A.M., to wit.

THIS DEED, Made this 15th day of November in the year nineteen hundred and seven, by The American Security and Trust Company, a corporation of the District of Columbia, and Aldis B. Browne trustee under the last will and testament of Alexander T. Britton, deceased,

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November 1907
Notary

Chevy Chase Village

Website Posting Notice

for Appeal, Special Permit & Variance Hearings

Case Number:

Hearing Date:

By signing below, I acknowledge as the applicant/appellant in the above-referenced case number that all supporting information and documentation for my case will be posted on the Village's website at <www.chevychasevillagemd.gov> for review by the general public.

Applicant/Appellant Name: William and Elizabeth Tyn dall

Address: 21 East Melrose Street, Chevy Chase, Md 20815

Telephone: 301-312-6902 or (cell: 5136468024)

E-mail: elizabethk910@aol.com

Applicant/Appellant Signature: Elizabeth Tyn dall

Agent Name for applicant/appellant (if necessary):

Telephone:

Address:

E-mail:

Signature of agent:

Village staff initials: CB

Date: 2/28/14